

**THE STATE OF NEW HAMPSHIRE
SUPREME COURT**

No. 2025-0182

**State of New Hampshire
v.
Destinie L. Berard**

Motion for Reconsideration Pursuant to N.H. Sup. Ct. R. 21(9)

NOW COMES the Defendant-Appellant, Destinie L. Berard, by and through her non-attorney representative Dana Albrecht, and respectfully moves this Court to reconsider its July 1, 2025 *Order* (Countway, J) pursuant to N.H. Sup. Ct. R. 21(9). In further support thereof it is stated:

1. N.H. Sup. Ct. R. 21(9) requires that “[a] motion to reconsider an order issued by a single justice shall be referred to the court for decision.”
2. Justice Countway’s Order denying court-appointed counsel is repugnant to the Sixth Amendment of the United States Constitution. “[O]nce the adversary judicial process has been initiated, the Sixth Amendment guarantees a defendant the right to have counsel present at all ‘critical’ stages of the criminal proceedings.” [*Montejo v. Louisiana*, 556 U.S. 778, 786 \(2009\)](#).
3. Justice Countway’s Order denying court-appointed counsel is repugnant to Article 15 of the New Hampshire Constitution. “[A]rticle 15 ... covers a broader range of criminal defendants than are granted a right to counsel by the sixth and fourteenth amendments.” [*State v. Scarborough*, 124 N.H. 363, 368 \(1983\)](#).
4. For the foregoing reasons, this Court should provide Ms. Berard with court-appointed professional counsel in this appeal.

WHEREFORE, Ms. Berard respectfully requests that this Court:

- A) Reconsider its July 1, 2025 *Order* (Countway, J) pursuant to N.H. Sup. Ct. R. 21(9) by referral to the full Court; and,
- B) Provide Ms. Berard with court-appointed professional counsel in this appeal; and,
- C) Grant such other and further relief as justice may require.

Respectfully submitted,

DESTINIE L. BERARD

By her non-attorney representative,



DANA ALBRECHT

Per RSA 311:1

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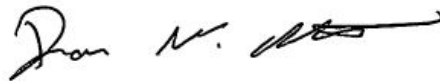
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July 11, 2025

CERTIFICATE OF SERVICE

I, Dana Albrecht, certify that a copy of this *Motion* will be sent to all parties of record who are registered through the Court's electronic filing system.



DANA ALBRECHT

July 11, 2025